

Message Text

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PAGE 01 BONN 03537 261102Z
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C O N F I D E N T I A L BONN 03537

E.O. 11652: GDS
TAGS. PFOR, PGOV, WB, EEC, UR, GW, US, UK, FR
SUBJECT: INCLUSION OF BERLIN IN EC-SOVIET FISHERIES
AGREEMENT

REF: (A) BONN 3508, (B) LONDON 3263, (C) BONN 3015

1. THE GERMANS HAVE REVISED THEIR EARLIER DEMANDS ON
MODALITIES FOR ASSURING THAT THE EC/SOVIET FISHERIES
AGREEMENT COVERS BERLIN AND APPEAR TO BE MOVING TOWARD
A COMPROMISE. ACCORDING TO THE FRG BONN GROUP REP.
(HENZE), FOREIGN MINISTER GENSCHER DECIDED ON FEBRUARY
25 TO DROP HIS INSISTENCE FOR THE ORAL "INTERPRETIVE
STATEMENT" WHICH WOULD MAKE MORE SPECIFIC THE MEANING
OF THE "AREA OF APPLICATION" CLAUSE IN THE DRAFT
TREATY.

2. THE NEW GERMAN POSITION, ACCORDING TO HENZE, IS
THAT THE WORDING OF ARTICLE 9 OF THE TREATY (THE
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PAGE 02 BONN 03537 261102Z

AREA OF APPLICATION CLAUSE - PARA. 2, REF C) SHOULD BE
SLIGHTLY MODIFIED SO THAT IT WOULD REFER TO AREAS IN
WHICH THE TREATY OF ROME "IS APPLIED", RATHER THAN
"IS APPLICABLE". ARTICLE 9 AS REVISED WOULD THUS READ
AS FOLLOWS:

"THE PRESENT AGREEMENT SHALL APPLY TO THE

TERRITORIES WITHIN WHICH THE TREATY ESTABLISHING
THE EUROPEAN COMMUNITY IS APPLIED AND UNDER
THE CONDITIONS LAID DOWN IN THAT TREATY,
ON THE ONE HAND, AND TO THE TERRITORY OF
THE USSR, ON THE OTHER HAND."

3. IN ADDITION, THE EC NEGOTIATOR WOULD INFORM THE
SOVIET NEGOTIATOR ORALLY THAT THE TERRITORIES MENTIONED
IN ARTICLE 9 INCLUDED BERLIN.

4. HENZE SAID THAT THE FONOFF IS NOW WORKING ON A
FULLER SCENARIO AND HAS NOT YET DECIDED WHETHER THE
ORAL REFERENCE TO BERLIN SHOULD COME BEFORE OR AFTER
THE DISCUSSION ON ARTICLE 9 BETWEEN THE TWO NEGOTIATORS.
IT IS ALSO TRYING TO DEVELOP AN "EMERGENCY PLAN" FOR
WHAT TO DO IF THE SOVIETS REJECT THE IDEA. BECAUSE
THE SOVIETS HAVE ASKED FOR A POSTPONEMENT OF THE NEXT
ROUND WHICH HAD BEEN SCHEDULED FOR FEBRUARY 28, THE
GERMANS ARE CONTINUING TO WORK ON THEIR PROPOSAL OVER
THE WEEKEND AND HAVE CANCELLED THEIR EARLIER REQUEST
FOR A BONN GROUP MEETING. THE UK EMBASSY HAS REPORTED
THE REVISED GERMAN PROPOSAL TO LONDON AND ASSUMES THAT
IT MAY BE ACCEPTABLE. LONDON HAD AGREED TO CONSIDER
WHAT THE GERMANS ARE NOW SUGGESTING AS ONE
POSSIBLE OPTION, THOUGH IT HAD POINTED OUT THAT THE
CHANCES FOR SOVIET ACCEPTANCE IN SILENCE WERE
SLIGHT.
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